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12 Office Depot, Inc.

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 KEVIN ZIMMERMAN, an individual,
16 Plaintiff,
17 vs.
18 OFFICE DEPOT, INC.,
19 Defendant.

20 Case No. 2:17-cv-00815-GMN-GWF

21 **[PROPOSED] STIPULATION AND
22 ORDER TO EXTEND TIME FOR
23 DEFENDANT TO FILE A RESPONSE TO
24 THE COMPLAINT**

25 **[FIFTH REQUEST]**

26 Plaintiff KEVIN ZIMMERMAN (hereinafter "Plaintiff") and Defendant OFFICE DEPOT,
27 INC., (hereinafter, "Defendant") by and through their undersigned counsel, hereby agree and
28 stipulate to extend the time for Defendant to file a response to the Plaintiff's Complaint from the
current deadline of August 14, 2017 up to and including **September 11, 2017**.

29 The parties' counsel met on June 9, 2017 and reached a settlement, the general terms of
30 which have since been confirmed in an email. At this time, a response to the complaint is
31 unnecessary because this matter will be dismissed after the settlement is executed. Accordingly, the
32 parties request that this stipulation be granted.

33 The parties have exchanged and approved the settlement agreement and are waiting for it to
34 be signed. Plaintiff inadvertently believed this settlement agreement had been signed and the matter
35 resolved. The settlement should be finalized in the next two weeks, but have requested this 28 day
36 extension out of an abundance of caution to ensure sufficient time to resolve any potential wording

1 issues with the settlement agreement.

2 This is the fifth request for an extension of time to respond to the Complaint. This request is
3 made in good faith and not for the purpose of delay.

4 Dated: August 14, 2017

5 Dated: August 14, 2017

6 Respectfully submitted,

7 Respectfully submitted,

8 /s/ Whitney C. Wilcher

9 WHITNEY C. WILCHER, ESQ.
THE WILCHER FIRM

10 Attorney for Plaintiff
KEVIN ZIMMERMAN

8 /s/ Matthew T. Cecil

9 ROGER L. GRANDGENETT II, ESQ.
MATTHEW T. CECIL, ESQ.
LITTLER MENDELSON, P.C.

10 Attorneys for Defendant
OFFICE DEPOT, INC.

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12

13 **ORDER**

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15 **IT IS SO ORDERED.**

16 Dated: August 15, 2017.

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18 
19 UNITED STATES MAGISTRATE JUDGE

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21 Firmwide:149446881.1 063095.1151